



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/749,624	12/28/2000	Koichi Fujiwara	48864-035	5970

7590 10/06/2003
MCDERMOTT, WILL & EMERY
600 13th Street, N.W.
WASHINGTON, DC 20005-3096

EXAMINER

WALLACE, SCOTT A

ART UNIT	PAPER NUMBER
----------	--------------

2671

DATE MAILED: 10/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/749,624

Applicant(s)

FUJIWARA ET AL.

Examiner

Scott Wallace

Art Unit

2671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 10-19 is/are rejected.
- 7) ☒ Claim(s) 8 and 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Response to Arguments

1. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

Priority

2. Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 1-7 and 10-19 are rejected under 35 U.S.C. 102(a) as being anticipated by MAYA 2.
5. As per claim 1, MAYA 2 discloses a processing method to be implemented by a computer, comprising the steps of: obtaining three-dimensional shape data representing a three-dimensional shape model (pg 185, figs a-d, these 3D figs are represented by 3D data), a portion of original three-dimensional shape data being omitted requiring that a portion of the three-dimensional shape model corresponding to the omitted original three-dimensional shape data to be corrected (fig a); receiving a designation of the portion of the three-dimensional shape model corresponding to the omitted original three-dimensional shape data required to be corrected (fig a); displaying the three-dimensional shape model and a surface

to be joined to the designated portion of the three-dimensional shape model (fig d); modifying a shape of the surface to be joined to the designated portion of the three-dimensional shape model according to an alteration of a parameter (fig d), with regard to the shape of the surface (fig d); and re-displaying the modified surface in response to the reception of alteration (fig d).

6. As per claim 2, MAYA 2 discloses wherein the surface is displayed on the designated portion together with the three-dimensional shape model (pg 185, 3rd paragraph).

7. As per claim 3, MAYA 2 discloses wherein the alteration of a parameter is executed by a manual operation of a user and the altered parameter is applied to a modification in the modifying step (pg 185, 3rd paragraph).

8. As per claim 4, MAYA 2 discloses wherein the alteration of a parameter is performed manually by a single operation of a user for fixing the parameter to be applied to a modification in the modifying step (pg 185, 3rd paragraph).

9. As per claim 5, MAYA 2 discloses wherein the shape of the surface corresponds to a shape of the designated portion with regard to any altered parameter (pg 185, 3rd paragraph).

10. As per claim 6, MAYA 2 discloses wherein the shape of the surface is determined based on a data, which represents a periphery of the designated portion in the three-dimensional shape model (pg 185, figs a-d).

11. As per claim 7, MAYA 2 discloses wherein the surface contains a plurality of points having a fixed position with reference to the X-axis direction and Y-axis direction, and the modifying step includes modifying a position with reference to the Z-axis direction of a least one of the plurality of points based on the altered parameter (fig d).

12. As per claims 10 and 17, MAYA 2 discloses a processing method of a three-dimensional shape data (pg 185), comprising the steps of: displaying a three-dimensional shape model having a portion of original three-dimensional shape data omitted and a surface to be joined to the three-dimensional shape model at a portion corresponding to where the portion of original three-dimensional shape data has been omitted (pg 185, figs a-d), a shape of the surface being defined by at least one parameter (height); a

setting portion for obtaining only one parameter value (pg 185); and a modifying portion for modifying the shape of the displayed surface based on the obtained parameter value (fig d).

13. As per claims 11 and 18, MAYA 2 discloses wherein the obtaining of a parameter value is performed manually by a manual operation of a user for fixing the parameter value, and by a manual operation of a user for applying the fixed parameter value onto a modification (pg 185).

14. As per claims 12 and 19, MAYA 2 discloses wherein the obtaining of a parameter value is performed manually by a manual operation of a user for fixing the parameter value, and applying the fixed parameter value onto a modification is not necessary (pg 185).

15. As per claim 13, MAYA 2 discloses a computer program product comprising a computer usable medium having encoded thereon a computer readable program for processing a three-dimensional shape model by making a computer system execute each step (pg 185).

16. As per claim 14, MAYA 2 discloses a computer program product comprising a computer usable medium having encoded thereon a computer readable program for processing a three-dimensional shape model by making a computer system execute each step (pg 185).

17. As per claim 15, MAYA 2 discloses a computer program product comprising a computer usable medium having encoded thereon a computer readable program for processing a three-dimensional shape model by making a computer system execute each step (pg 185).

18. As per claim 16, MAYA 2 discloses a computer program product comprising a computer usable medium having encoded thereon a computer readable program for processing a three-dimensional shape model by making a computer system execute each step (pg 185).

Allowable Subject Matter

19. Claims 8-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Scott Wallace** whose telephone number is **703-605-5163**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Mark Zimmerman**, can be reached at 703-305-9798.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.



MARK ZIMMERMAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600